Remarks

Applicants would like to update the Examiner regarding statuses of two related copending applications: (1) Patent Application Ser. No. 10/689,363, MOBILITY ACCESS GATEWAY, filed on October 20, 2003, claiming the benefit of the same provisional application as the present application, namely Patent Application No. 60/420,054, filed on 10/21/2002 and (2) Patent Application Ser. No. 11/735,664, MOBILITY ACCESS GATEWAY, filed on April 16, 2007, which is continuation-in-part of the application (1).

Regarding Application (1), a Final Office action has been mailed to Applicants provisionally rejecting claims of Application (1) on the ground of non-statutory double patenting over claims of the present application. Preparation of the response by Applicants is currently pending. Applicants looked through the prosecution history of Application (1). However, no additional reference that has not been already brought to the Examiner's attention has been discovered. Accordingly, Applicants believe that no Informational Disclosure Statement needs to be filed at this time. Regarding Application (2), Application (2) is currently ready for examination by the Patent Office. However, no Office Action has been issued yet.

Claims 1-20 are pending in the present application.

Claims 1-3, 9-11, and 15-20 are rejected under 35 U.S.C. §102(e) as being anticipated by Choyi (Pub No. US 2005/0213545 A1, hereinafter "Choyi").

Claims 4-8 and 12-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Choyi in view of Forslow (U.S. Patent No. 6,954,790, hereinafter "Forslow").

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments presented herein.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any

amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., just to avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Therefore, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. §102

Claims 1-3, 9-11, and 15-20 are rejected under 35 U.S.C. §102(e) as being anticipated by Choyi. The rejection is traversed.

Anticipation requires the disclosure in a single prior art reference of each and every element of the claimed invention arranged as in the claim. The Choyi reference fails to disclose each and every element of the claimed invention as arranged in independent claim 1.

The Examiner interprets a binding/probable cache of Choyi's main access router (MAR) to teach the cache of Applicants' claim 1, while entries in the Choyi's binding/probable cache to teach the network data of Applicants' claim 1. Applicants respectfully disagree.

The binding cache contains the following information: a mobile node home address, home agent address, multicast address, and lifetime (paragraph [0241]). The

probable cache contains the following information: a mobile node home address, care-of-address, home agent address, lifetime, and base station router (BSR) address (see paragraphs [0241] and [0365] and Fig. 4). The address and lifetime information is not the same as the Applicant's network data, which includes data requested by a mobile node (e.g., content of a webpage).

Furthermore, assuming *arguendo* that entries in the binding or probable cache are the network data stored in the Applicants' cache, Choyi still fails to teach or suggest at least:

(a) "a packet filter that directs requests for the network data from a mobile node to the cache" and

(b) "the packet filter directing the requested network data from the cache to the mobile node by the way of the foreign agent, without forwarding the requested network data to a home agent of the mobile node," as recited in independent claim 1.

Regarding the Applicants' element (a), the Examiner cites paragraph [0055] of Choyi and reasons that the element (a) is taught by Choyi because a gateway filter checks to see if packets coming from a domain are to be sent to a gateway controller. Applicants respectfully disagree.

First, the cited portion is a part of Choyi's discussion of prior art and describes Cellular IP infrastructure, which is different from an infrastructure used in the Choyi's arrangement. However, as discussed above, the Examiner reasons that the portion describing the Choyi's arrangement discloses the cache and network data elements. These elements are expressly referred to in the element (a). Accordingly, even assuming that the cited portions respectfully disclose a cache for storing network data and directing requests for network data to a cache, Choyi does not teach the element (a) of Applicants claim 1. Because the cited portions describe different arrangements, the cache and network data, if any, described in one cited portion are not the same as the cache and network data described, if any, in the other cited portion, and thus, Choyi fails to teach or suggest the element (a) arranged as in Applicants' claim 1.

Second, the cited portion of Choyi states:

> "The Gateway Controller (GC) receives packets that are usually update packets that are used by the Gateway to update the locations of the MN and are then dropped. The Filter (GPF) checks to see if packets coming

> from within the domain are to be sent to the GC or forwarded on to the Internet. One of the primary features of this protocol is the distinction made between idle and active nodes and the support for paging" (emphasis added).

In other words, packets updating locations of the mobile node are sent to the gateway controller and then dropped, while all other packets are forwarded to the Internet. In contrast, the element (a) recites: "a packet filter ... directs requests for the network data from a mobile node to the cache." As the Internet may not be equated with the Applicants' cache, Applicants assume that the Examiner equates the gateway controller with the Applicants' cache. The gateway controller does receive packets. However, Choyi does not disclose that those packets contain requests for the network data stored in the gateway controller. In contrast, the only packets that are disclosed to be received by the gateway controller are location update packets. Not only does the mobile node location differ entirely from the network data, but there is not need for the mobile node to request its own location. Therefore, the element (a) is not taught or suggested by Choyi.

Regarding the element (b), the Examiner cites paragraph [0039] of Choyi. This portion is also a part of Choyi's discussion of prior art. However, it describes yet another infrastructure, i.e., Handoff Aware Inter-Domain Infrastructure (Hawaii), which is different from the Cellular IP infrastructure and/or the infrastructure used in the Choyi's arrangement. The element (b) expressly refers to the cache and network data elements (which, according to the Examiner, are disclosed in the portion of Choyi describing the Choyi's arrangement) and the packet filter element (which, according to the Examiner, is disclosed in the portion of Choyi describing the Cellular IP infrastructure). Because the cited portions describe three different arrangements, the cache and network data, if any, described in the first cited portion are not the same as the cache and network data described, if any, in the second cited portion and/or in the third cited portion; the packet filter, if any, described in the second cited portion is not the same as packet filter described, if any, in the third cited portion; and thus, Choyi fails to teach or suggest the element (b) arranged as in Applicants' claim 1.

Moreover, the Examiner suggests that Choyi teaches not to forward the requested data to a home agent of the mobile node because the home agent is not notified of

movements of the mobile node. However, whether the home agent is notified about movements of the mobile node has no affect on whether the home agent receives data requested by the mobile node. In the same portion Choyi discloses: "The home agent tunnels the packets to the care-of-address." Accordingly, the home agent does receive packets containing information requested by the mobile node and forwards such packets to the care-of-address, so the mobile node could acquire the packets. Therefore, Choyi fails to teach or suggest the element (b) of Applicants' claim 1.

Accordingly, the Choyi reference fails to disclose each and every element of the claimed invention as arranged in Applicants' independent claim 1. Therefore, independent claim 1 is not anticipated by Choyi and is allowable under 35 U.S.C. §102. Independent claims 9, 15, and 18 recite relevant limitations similar to those recited in independent claim 1 and, as such, and at least for the same reasons as discussed above, these independent claims also are not anticipated by Choyi and are allowable under 35 U.S.C. §102.

Because all of the dependent claims depending from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Choyi. Therefore, Applicants' claims 1-3, 9-11, and 15-20 are allowable over Choyi under 35 U.S.C. §102. The Examiner is respectfully requested to withdraw the rejection.

Rejection Under 35 U.S.C. §103(a)

Claims 4-8 and 12-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Choyi in view of Forslow.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §102 given Choyi. Because the rejection under 35 U.S.C. §102 given Choyi has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Forslow supplies that which is missing from Choyi to render the independent claims anticipated, these grounds of rejection cannot be maintained.

Therefore, Applicants' claims 4-8 and 12-14 are allowable over Choyi in view of Forslow under 35 U.S.C. §103(a).

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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